

2015 Clerks Conference

David Scanlan

Colleen McCormack-Lane

Legislation

HB 1354 – Enacted 2012

HB 595 – Enacted 2013

Topics

- **Cameras & Photos**
- **Challenged Voter Affidavits**
- **Religious Exemption Form**
- **Changes in Ballot Clerk Procedure**
- **Recording Out-of-State Drivers Licenses**
- **Delivery of Absentee Ballots**

Camera & Photo Instructions



RSA 659-13 I.(c)(2) Camera Instructions



RSA 659-13, I Obtaining a Ballot

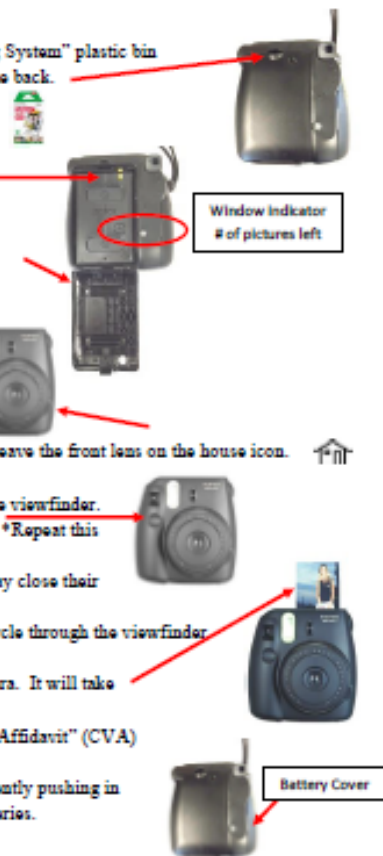
(c)(2) If the voter executes a challenged voter affidavit, the moderator or the moderator's designee shall take a photograph of the voter and immediately print and attach the photograph to, and thus make it a part of, the affidavit form. The photograph shall be 2 inches by 2 inches, or larger and be in color. The moderator or his or her designee who took the photograph and the voter shall then sign the challenged voter affidavit. The moderator or designee shall delete the photograph from the camera in the presence of the voter. If the moderator or his or her designee is unable to take the voter's photograph due to equipment failure or other cause beyond the moderator's or his or her designee's reasonable control, the voter may execute a challenged voter affidavit without a photograph.

(3) If the voter objects to the photograph requirement because of religious beliefs, he or she may execute an affidavit of religious exemption in accordance with RSA 659:13-b, which shall be attested to by an election officer and attached to the challenged voter affidavit.

Who can take the photo? - The moderator or his or her designee, who shall be an election official, or another person appointed as assistant moderator for the election. They may take the photo across the table from the person signing the Challenged Voter Affidavit (CVA).

Prepare Camera Instructions

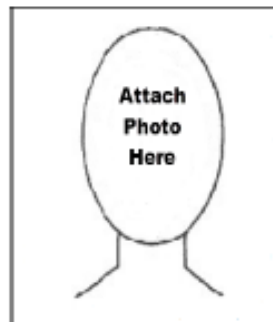
- Remove camera & film from the "Accessible Voting System" plastic bin
 - Camera - Open the large compartment door in the back.
 - Open the Fujifilm package - 10 pictures
 - Insert the film into the camera lining up the two yellow lines.
 - Close camera door until you hear it click into place.
 - Turn on the camera - button is located on the lower right of the front lens.
 - Front lens will pop out when the camera is on. Leave the front lens on the house icon.
 - For "New Film" only - Press the button under the viewfinder. Film case cover will pop up from top of camera. *Repeat this process every time you insert new film.
 - Warn the voter of the flash and tell them they may close their eyes if they wish.
 - Hold camera and align the voter's head in the circle through the viewfinder. Press the button under the viewfinder.
 - The picture will pop up from the top of the camera. It will take approximately 2 minutes to fully develop.
 - Attach the picture to the "Challenged Voter Affidavit" (CVA)
 - Voter and Election Official sign the form.
 - Shut the camera off after taking the picture by gently pushing in the front lens. This will conserve the "AA" batteries.



Challenged Voter Affidavit



**CHALLENGED VOTER
AFFIDAVIT**
(RSA 659:27, 28-32, 652:14)



I, _____, do solemnly swear (or affirm) under
(Print name of Voter)
penalties of voter fraud, that I am the identical person whom I represent myself to be, that I am a
duly qualified voter of this town (or ward), and have a legal domicile therein.
My telephone number (requested but optional) is _____ and my
Email address (requested but optional) is _____.

(Signature of Voter)

Check one election: ☐ Town/ City Election Date: ____/____/____
☐ Presidential Primary Election Date: ____/____/____
☐ State Primary Election Date: 09/13/2016
☐ State General Election Date: 11/08/2016

the said _____
took and subscribed the above oath before the below-named officer.

(Moderator, deputy moderator, assistant moderator, town clerk, deputy town clerk, city clerk, deputy city clerk, ward clerk, selectman, supervisor of the checklist, registrar, or deputy registrar)

NOTE TO VOTER: RSA 659:13, IV.(a) The secretary of state shall cause a letter of identity verification to be mailed by first class mail to each voter who executed a challenged voter affidavit or affidavit of religious exemption.....

Religious Exemption Affidavit Enacted 2012





State of New Hampshire
Affidavit of Religious Exemption
(RSA 659:13-b)

Date: _____

Name: _____

Domicile Address: _____

Date of birth: _____

I hereby swear or affirm that because of my religious beliefs, I object to having my photograph taken and that I do not possess a form of identification that meets the requirements of the election laws of this state showing my photograph.

I hereby swear or affirm, under the penalties of voting fraud set forth below, that I am the identical person whom I represent myself to be and that to the best of my knowledge and belief the information above is true and correct.

(Signature of affiant)

In accordance with RSA 659:34, the penalty for knowingly or purposely providing false information when voting is a class A misdemeanor with a maximum sentence of imprisonment not to exceed one year and a fine not to exceed \$2,000. Fraudulently registering to vote or voting is subject to a civil penalty not to exceed \$5,000.

This affidavit was executed before us on the date shown above and the person who subscribed his or her name to the foregoing affidavit swore that the facts contained in this affidavit are true to the best of his or her knowledge and belief.

Signature of Election Official


Name and Title of Election Official: _____
(Moderator, deputy moderator, assistant moderator, town clerk, deputy town clerk, city clerk, deputy city clerk, ward clerk, selectman, supervisor of the checklist, registrar, or deputy registrar)

When
question
arises,
READ to
VOTER



Ballot Clerk Procedure (Colleen McCormack-Lane)

BALLOT CLERK PROCEDURE - Primary



Before Voters are allowed in the voter check-in (Ballot Clerk) line, election officials should ask them if they are a registered voter, inform them of the Voter ID law and direct them to the correct line, Supervisors of the Checklist or Challenged Voter Affidavit table.

Before a Voter is allowed into the area within the guardrail to vote:

1. The Voter shall announce to the Ballot Clerk his or her name AND the name of the party to which he or she belongs.
 - a. Any undeclared Voter desiring to vote in a party primary shall announce the name of the party whose primary they wish to vote at the time of announcing his or her name. (RSA 659:14)
2. Ballot Clerk shall repeat the name given by the Voter
 - a. If the Voter's name is NOT found on the checklist, the Ballot Clerk shall direct the Voter to the Supervisors of the Checklist/Registrars.
 - b. If the Voter's name is found on the checklist, the Ballot Clerk shall, using a ruler, put a check mark ✓ beside the name and repeat the name again.
 - c. The party choice of an undeclared Voter should be marked on the checklist using the first three letters of the name of the party, REP or DEM. (RSA 654:15)
3. The Ballot Clerk shall then state the domicile & mailing address for the Voter that is listed on the checklist and ask the Voter if the domicile & mailing address is correct.
 - a. If the domicile or mailing address is NOT correct, and the Voter's current domicile address is within the same town or ward, the Ballot Clerk shall correct the address(es) in **RED** on the paper checklist to reflect the correction. (RSA 659:13)
 - b. If the domicile address is NOT correct, and the Voter's current address is NOT within the same town or ward, the Ballot Clerk should inform the Voter that he or she is not at the correct polling place and that he or she can only vote where they are domiciled.
4. The Ballot Clerk shall request the Voter present a valid photo ID in the form of:
 - a. A driver's license issued by any state or the federal government;
 - b. A non-driver's license issued by any state;
 - c. An ID card issued by any state DMV for voting purposes only;
 - d. A United States Armed Services ID card;
 - e. A United States Passport or passcard;
 - f. A NH Student ID card;
 - i. An acceptable student photo ID card issued by: (The Department of Education list is available on the Secretary of State's website - www.sos.nh.gov)
 1. A college, university or career school approved to operate or licensed to operate in New Hampshire;
 2. A public high school in New Hampshire;
 3. A nonpublic high school in New Hampshire accredited by a private school accrediting agency that is recognized by the NH Department of Education;
 4. Dartmouth College;
 5. A college or university operated by the university system of New Hampshire or the community college system of New Hampshire.
 - ii. The card has either an expiration date or an issuance date that has NOT exceeded 5 years;

BALLOT CLERK PROCEDURE - Primary

- iii. EXCEPTION: Student ID cards without a date of expiration or issuance will be accepted until September 1, 2018.
 - g. A Challenged Voter Affidavit. (See #7 below.)
 - h. A photo ID not mentioned above, but determined to be legitimate by the Moderator, Supervisors of the Checklist or Clerk of a town, ward or city.
 - i. Verification of the person's identity by the Moderator, a Supervisor of the Checklist or Clerk of a town, ward or city. (Not a Ballot Clerk)
5. A valid photo identification shall show:
 - a. Name and photo of the individual.
 - i. The name shall substantially conform to the name of the individual on their voter registration record.
 - b. The photo identification shall have an expiration date that has not been exceeded beyond 5 years.
 - i. Exception: a voter 65 years or older may use an acceptable ID without regard to the expiration date.
6. If the Voter presents an Out-of-State driver's license or non-driver's license, the Ballot Clerk shall record the two-letter state abbreviation to the right of the "CVA" box on the checklist in **RED INK**.
7. If the Voter does NOT present a valid photo ID, the Ballot Clerk shall direct the voter to the "Challenged Voter Affidavit" table as described in the banner on page one.
8. If the Voter presents a signed "CVA" with a photo or "Religious Affidavit" to the Ballot Clerk, the Ballot Clerk shall put a check mark ✓ in the "CVA" box on the checklist. (RSA 659:13)
9. The Ballot Clerk shall take the "CVA," with a photo or "Religious Affidavit," from the Voter and place it in a folder or container marked for this purpose.
10. The Voter, if still qualified to vote in the town or ward and having presented an acceptable photo ID or completed a "CVA", and unless challenged as provided for in RSA 659:27 through 659:33 shall then be allowed to enter the space enclosed by the guardrail.
11. The Ballot Clerk gives the Voter the appropriate ballot(s). (RSA 659:15 & 659:38)
12. The Ballot Clerk uses a ruler or straight edge to mark the checklist to indicate that the Voter has obtained his or her ballot. We recommend marking a thin line through the last name of the voter on the checklist, which requires a second look at the voter's name and the use of the ruler, for example, Jones, John. (This line should not be so thick you cannot read the voter's last name.)
13. Absentee Voters shall be marked in **RED INK** with the letters **A.V.** (RSA 659:52)
14. After the Moderator and Clerk no longer require access to the checklist for election reporting purposes, the Supervisors of the Checklist should scan the bar codes of those Voters marked on the checklist as having checked in, picked up a ballot and if the Voter signed a CVA. Hence, scanned Voter names would have both a check mark and the last name crossed out.



Page 1

Party	Voter Name	County	Residence Address	Ballot Address	Party Post ID	Signature
Ward 09	REP. ANTON, CLAUDIA ANN	SD	545-1111	PO Box 41 JANTOWN, NH 03033	00	00043333
REP.	ANTON, JAMES H	SD	545-1111	PO Box 41 JANTOWN, NH 03033	00	00043333
REP.	ANTON, LYNDA D	SD	545-1111	PO Box 41 JANTOWN, NH 03033	00	00043333
REP.	ANTON, CONSTANCE DEE	SD	545-1111	PO Box 41 JANTOWN, NH 03033	00	00043333
REP.	ANTON, GEORGE	SD	545-1111	PO Box 41 JANTOWN, NH 03033	00	00043333

Recording Out-of-State Drivers Licenses

The numbers recorded below are for the letters: through

State Abbreviations for Out-of-State Driver's license or Non-Driver's Identification Card - TALLY SHEET

Instructions:

1. On the checklist, insert the applicable state abbreviation in red in the space to the right of the CVA column on the same line as the name of each voter who presents an out-of-state driver's license or out-of-state non-driver's identification card in order to receive a ballot. For example: **MA**
2. On this form, place a hash mark near the applicable state for each out-of-state driver's or non-driver's ID presented in order to receive a ballot. For example: **###**

State	Abbrev.	Total	State	Abbrev.	Total
Alabama	AL		Minnesota	MN	
Alaska	AK		Mississippi	MS	
Arizona	AZ		Missouri	MO	
Arkansas	AR		Montana	MT	
California	CA		Nebraska	NE	
Colorado	CO		Nevada	NV	
Connecticut	CT		New Jersey	NJ	
			New Mexico	NM	
Delaware	DE		New York	NY	
Dist. of Colum.	DC				
Florida	FL		North Carolina	NC	
Georgia	GA		North Dakota	ND	
Hawaii	HI		Ohio	OH	
Idaho	ID		Oklahoma	OK	
Illinois	IL		Oregon	OR	
Indiana	IN		Pennsylvania	PA	
Iowa	IA		Rhode Island	RI	
Kansas	KS		South Carolina	SC	
Kentucky	KY		South Dakota	SD	
Louisiana	LA		Tennessee	TN	
Maine	ME		Texas	TX	
			Utah	UT	
Maryland	MD		Vermont	VT	
Massachusetts	MA				
			Virginia	VA	
			Washington	WA	
			West Virginia	WV	
			Wisconsin	WI	
Michigan	MI		Wyoming	WY	

Within 30 days after the election, please fax this completed form to the Secretary of State's office at (603)271-6316
or as an email attachment to elections@sos.nh.gov (RSA 659:13)

Town/City: _____ Ward # _____ Initialed by: _____

Print name(s) _____

Right Column Total
Left Column Total
Grand Total

SUMMARY PAGE

State Abbreviations for Out-of-State Driver's license or Non-Driver's Identification Card

Instructions: Complete this form using the figures from your tally sheet(s).

	Must include Letters A - Z				Subtotals
First letter of voter's last name indicated at Ballot Clerk's check-in table.		through		➔	
First letter of voter's last name indicated at Ballot Clerk's check-in table.		through		➔	
First letter of voter's last name indicated at Ballot Clerk's check-in table.		through		➔	
First letter of voter's last name indicated at Ballot Clerk's check-in table.		through		➔	
First letter of voter's last name indicated at Ballot Clerk's check-in table.		through		➔	
First letter of voter's last name indicated at Ballot Clerk's check-in table.		through		➔	
First letter of voter's last name indicated at Ballot Clerk's check-in table.		through		➔	
First letter of voter's last name indicated at Ballot Clerk's check-in table.		through		➔	
First letter of voter's last name indicated at Ballot Clerk's check-in table.		through		➔	
First letter of voter's last name indicated at Ballot Clerk's check-in table.		through		➔	
First letter of voter's last name indicated at Ballot Clerk's check-in table.		through		➔	
First letter of voter's last name indicated at Ballot Clerk's check-in table.		through		➔	
First letter of voter's last name indicated at Ballot Clerk's check-in table.		through		➔	
Grand Total				➔	

Within 30 days after the election, please fax this completed form, with the tally sheets, to the Secretary of State's office at (603)271-6316 or as an email attachment to elections@sos.nh.gov (RSA 659:13)

Town/City: _____	Ward # _____	Signed by: _____
		Print name: _____
		Title: _____

Absentee Ballot Return

(Dave Scanlan)

Absentee Ballot Return Form



STATE OF NEW HAMPSHIRE

Absentee Ballot Return Form

(RSA 657:17)

To be completed by the person who is returning an Absentee Ballot
for someone *other than themselves*
due to Absence, Religious Observance, or Disability

For Official
Use Only
Voter Not
registered ☐

Voter ID #

Date Returned: / /

I. I hereby declare that I am the voter's (check one):

☐ Spouse ☐ Parent ☐ Sibling ☐ Child

Any person who votes or attempts to vote using an absentee ballot who is not entitled to vote by absentee ballot shall be guilty of a misdemeanor. RSA 657:24

II. Absentee Ballot Voter's Name (Please Print):

Last Name First Name Middle Name (Jr., Sr., II, III)

Absentee Ballot Voter's Domicile (home) Address:

Street Number Street Name Apt/Unit City/Town Ward Zip Code

III. Name of family member who delivered the absentee ballot (Please Print):

Last Name First Name Middle Name (Jr., Sr., II, III)

Signature: Date Signed:

IV. Election Name (check only one and enter date):

☐ City or Town Election --/ /--

☐ State Special Primary Election --/ /--

☐ State Special General Election --/ /--

☐ State Presidential Primary Election --/ /--

☐ State Primary Election 09/13/2015

☐ State General Election 11/08/2015

V. Proof of Identification (check only one):

☐ Government-issued Photo ID

☐ Identity verified by city or town clerk

VI. City or Town Clerk signature:

Printed Name of Clerk: _____

Clerk's Signature: _____ Date Signed: _____

RSA 657:17 – Absentee Ballot Delivery

- **RSA 657:17 Procedure by Voter.** After marking the ballot, the voter or the person assisting a blind voter shall enclose and seal the same in an inner envelope. The voter shall execute the affidavit. The voter or the person assisting the blind voter shall enclose and seal the inner envelope with the affidavit in an outer envelope. The voter shall then endorse on the outer envelope his or her name, address, and voting place and **shall mail** the envelope, affixing postage, **or personally deliver it...**

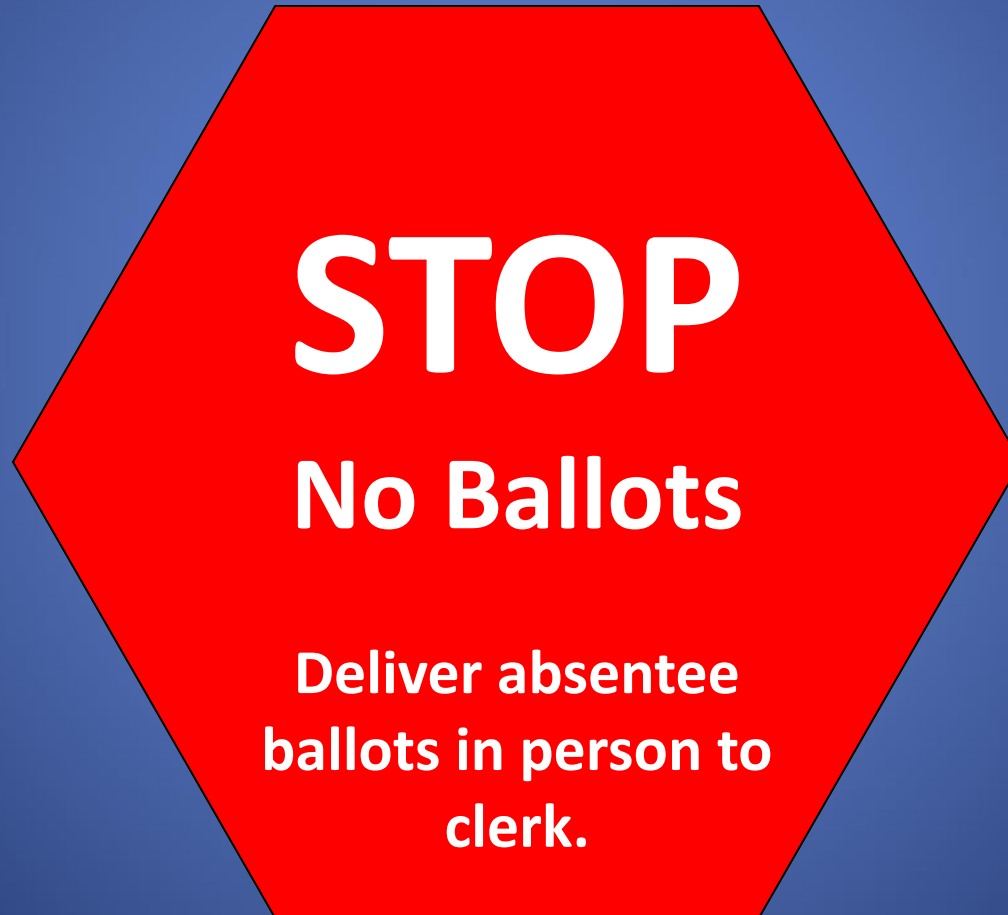
RSA 657:17 – Absentee Ballot Delivery

...or have it delivered by the voter's spouse, parent, sibling, or child to the city or town clerk from whom it was sent. The city or town clerk shall not accept an absentee ballot from a family member unless the family member completes a form provided by the secretary of state, which shall be maintained by the city or town clerk, and the family member presents a government-issued photo identification or has his or her identity verified by the city or town clerk.

Obtain Signed Form from Family Members

- The city or town clerk shall not accept an absentee ballot hand-delivered by a spouse, parent, sibling or child of the voter unless the family member completes a form provided by the secretary of state, which shall be maintained by the city or town clerk, and the family member presents a government-issued photo identification or has his or her identity verified by the city or town clerk.

Laminated Flap to Place Over Mail Delivery Slot in Clerks Office



Closing the Mail Slot

- Some clerks may choose to close their mail slot during the election period. (Others, like town clerk/tax collectors, may be less flexible.)
- Closing the mail slot might help prevent people from dropping off absentee ballots without verifying who delivered the ballot.
- Closing the mail slot may reduce the number of absentee ballots that cannot be counted.

Instructions to be printed on Yellow Colored Paper and inserted in mail with regular absentee ballots sent to domestic absentee voters

- Please try to use the U.S. Postal Service or a standard courier service to return your absentee ballot.
- If you are unable to mail or hand deliver the absentee ballot yourself, a parent, spouse, sibling or child may hand deliver it for you.
 - It must be hand-delivered to the clerk's office in person.
- Absentee ballots **should not** be left in a box, on a desk, or with anyone other than the town clerk or clerk's staff.

Delivery Slots at Some Clerks Offices

- The city or town clerk shall not accept an absentee ballot from a voter's spouse, parent, sibling or child unless the family member completes a form provided by the secretary of state and the voter's spouse, parent, sibling or child presents a government-issued photo identification or has his or her identity verified by the city or town clerk.

If the clerk receives an absentee ballot that has been dropped off by someone...

- The clerk should contact the voter on the return address and request that whoever delivered the absentee ballot appear in person and verify that they delivered it.
- If the voter appears, no photo ID is required.
- If the voter's spouse, parent, sibling, or child delivered the ballot, they must appear in person before the clerk, complete an Absentee Ballot Return Form, and show government-issued identification or be verified.

Dropped-off Absentee Ballots

- If the clerk has been unable to verify the person who dropped off an absentee ballot at the clerk's office, the ballot should not be accepted by the clerk.
- The absentee ballot should be retained by the clerk and not delivered to the moderator on Election Day.
- The rejected reason on the clerk's absentee ballot report and in ElectionNet should be
 - **“Envelope not Delivered by Mail, Voter, Spouse, Parent, Sibling or Child”.**

Election Day Processing

If, before 5 PM on Election Day, a voter's spouse, parent, sibling or child delivers the voter's absentee ballot to the clerk's office and a member of the clerk's staff is available (in person) to:

- Receive the absentee ballot,
- Receive Absentee Ballot Return Form, and
- Verify the identity of the bearer,

the absentee ballot should be provided to the moderator on Election Day for processing.

- RSA 657:17 & RSA 657:22.

Retention

- Clerks shall retain the marked absentee ballots according to the standard ballot retention periods
 - 22 months (or until outstanding legal issues are resolved)
 - 60 days (or until outstanding legal issues are resolved)
- The CVA investigation process can be expected to take at least 22 months, even for local elections.

Retention

- If there is a recount, most marked absentee ballots, included those that the moderator rejected, will be found in the sealed boxes containing ballots.
- If there is a recount, clerks shall supply any additional marked absentee ballots in their possession, associated application forms, and Absentee Ballot Return Forms to:
 - Secretary of State (if a state recount), or
 - Local officials (if a local recount)

Questions?